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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Diane C. Thornton

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EXAMINER

COLAN, GIOVANNA B

ART UNIT

PAPER NUMBER

2162

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/729,496	<b>Applicant(s)</b> THORNTON ET AL.	
	<b>Examiner</b> Giovanna Colan	<b>Art Unit</b> 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION DETAILED ACTION**

1. This action is issued in response to the Amendment filed on 08/21/2006.
2. Claims 1, 9, and 17 were amended. No claims were canceled. No claims were added.
3. This action is made Final.
4. Claims 1 –24 are pending in this application.
5. Applicant's arguments with respect to claims 1 – 24 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kite et al. (Kite hereinafter) (US Patent App. Pub. No. 2005/0149372 A1, filed: November 7, 2003) in view of VanDusen (US Patent App. Pub. No. 2003/0208397 A1, filed: April 30, 2001).

Regarding Claim 1, Kite discloses a fiber splice management and assignment system, comprising:

a database operable to store a fiber splice record associated with a wirecenter (Page 7, [0318], lines 4 – 6 and 9 – 11, Kite), the fiber splice records identifying a fiber splice job to be performed at the wirecenter (Page 7, [0318], lines 9 – 11; features/attributes to the FMT SDO Database; both automatically from mechanized wire centers, and manually for non-mechanized wire centers ...; Kite), the fiber splice management (Page 7, [0318], lines 1 – 14, The FMT may include functionality of, or integrate with, existing Mechanized Facility Management database ..., Kite) and assignment system tracking fiber splice jobs identified by a plurality of fiber splice records (Page 28, [0449], lines 1 – 6, FMT can provide user the ability to view SCID assignments, select a new SCID assignment, and to unassign ..., Kite), the fiber splice jobs corresponding to generated engineering work-orders (Page 46, [0562], Table:

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"EWO # (Engineering Work Order) Engineering work order that placed or modified that piece of equipment", Kite);

Kite discloses all the limitations as discussed above. However, Kite is silent with respect to workflows and credit amounts. On the other hand, VanDusen discloses tracking workflows jobs (Page 26, [1034], lines 13 – 17, VanDusen), which further includes receive a credit amount associated with jobs (Page 14, [0557], line 1, VanDusen).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the VanDusen' teachings, including workflow teachings to the system of Kite. Skilled artisan would have been motivated to do so, as suggested by VanDusen (Page 1 and 8, [0021] and [0237], lines 1 – 6 and 1 – 10; respectively, VanDusen); to allow diversely skilled and distributed teams to control, coordinate and collaborate within creation process; and to allow, for example, pre qualified IT and Electronic Graphic Design professionals to bid on task assignments, complete project management updates, and receive compensation while working in their own environment. In addition, both of the references (Kite and VanDusen) teach features that are directed to analogous art and they are directed to the same field of endeavor of database management system, such as, record assignments, and reporting. This relation between both of the references highly suggests an expectation of success.

The combination of Kite in view of VanDusen further discloses:

assignment logic coupled to the database (Page 41, [0549], lines 1 – 8, Loop Facilities Assignment and Control System, Kite), operable to assign a fiber splice record associated with a fiber splice job for the wirecenter to a draftsman (Page 7, [0337], lines 4 – 11, Kite) and to record the assignment (Page 41, [0549], lines 9 – 12, Kite), wherein in the fiber splice management and assignment system is configured to identify each fiber splice record assigned to the draftsman (Page 41 and 46, [0549] and [0562], lines 2 – 12 and Table: "EWO # (Engineering Work Order) Engineering work order that placed or modified that piece of equipment"; LFACS is an inventory and assignment system for the outside plant ...; respectively, Kite), the draftsman being assigned to make changes shown in a generated engineering work-order to the fiber splice record (Page 37, [0509], Table: Embodiment: Provide user with the ability to manage LRS notes through a graphical feature by user...System Behavior: Users with the access to FMT can enter LRS notes through a graphical feature, Kite); and

completion logic coupled to the database, operable to receive a request to close the fiber splice record (Page 55, [0743], lines 5 – 9, Kite) from a draftsman (Page 42, [0556], Table: Service Required: Date by when FACILITY PLANNERS believes service is required for this plan, Kite), and receive a credit amount associated with the fiber splice job from a fiber splice manager (Page 35, [0499], Table: Users Loop Capacity Managers, Long Term Planners, IOF planners; and Page 14, [0557], line 1, VanDusen), the credit amount being assigned to the draftsman that performed the fiber splice job (Page 7 and 14, [0337] and [0557], lines 4 – 11 and 1; respectively, VanDusen).

Regarding Claim 2, the combination of Kite in view of VanDusen ("Kite/VanDusen" hereinafter) discloses a system, wherein the completion logic is further operable to receive a job number assignment from the fiber splice manager (Page 28, [0452], lines 42 – 43, Kite).

Regarding Claim 3, Kite/VanDusen discloses a system, wherein the assignment logic is further operable to create a printable cover sheet for the fiber splice record (Page 39, [0528], lines 1 – 2, Kite; and Page 20, [0766], lines 1 – 5, VanDusen).

Regarding Claim 4, Kite/VanDusen discloses a system, wherein the fiber splice job comprises providing a logical connection across a network element (Page 20, [0401], lines 27 – 31, Kite) that previously resulted in a disconnect between a fiber input and output (Page 19, [0395], line 1, Kite).

Regarding Claim 5, Kite/VanDusen discloses a system, further comprising:  
reporting logic operable to provide a plurality of users with the fiber splice record (Page 53, [0647], Kite; and Page 8, [0235], lines 1 – 8, VanDusen).

Regarding Claim 6, Kite/VanDusen discloses a system, wherein the reporting logic is operable to provide the plurality of users with a plurality of unassigned fiber splice records (Page 28, [0449], lines 1 – 3, Kite).

Regarding Claim 7, Kite/VanDusen discloses a system, wherein the reporting logic is operable to provide the plurality of users with a report of any fiber splice records which have been assigned to a particular user (Page 28, [0449], lines 1 – 3, Kite; and Page 8, [0257], lines 4 – 7, VanDusen<sup>1</sup>).

Regarding Claim 8, Kite/VanDusen discloses a system, wherein the reporting logic is operable to provide the plurality of users with a report of any fiber splice records which have been marked as completed in the database (Page 30, [0479], lines 56 – 62, Kite; and Page 31, [1162], lines 1 – 6, VanDusen).

Regarding Claims 9 and 17, Kite/VanDusen discloses computer readable medium having a program for assigning and managing a plurality of fiber splice jobs, the program comprising the steps of:

storing a fiber splice record associated with a wirecenter in a database (Page 7, [0318], lines 4 – 6 and 9 – 11, Kite), the fiber splice records identifying a fiber splice job to be performed at the wirecenter (Page 7, [0318], lines 9 – 1; features/attributes to the FMT SDO Database; both automatically from mechanized wire centers, and manually for non-mechanized wire centers ...; Kite), the fire splice job corresponding to a generated engineering work-order (Page 46, [0562], Table: "EWO # (Engineering Work Order) Engineering work order that placed or modified that piece of equipment", Kite);



assigning a fiber splice record associated with a fiber splice job for the wirecenter to a draftsman (Page 7, [0337], lines 4 – 11, Kite) as part of a workflow tracking process for fiber splice jobs (Page 28, [0449], lines 1 – 6, FMT can provide user the ability to view SCID assignments, select a new SCID assignment, and to unassign ..., Kite; and Page 26, [1034], lines 13 – 17, VanDusen), the draftsman being assigned to make changes shown in the generated engineering work-order to the fiber splice record (Page 37, [0509], Table: Embodiment: Provide user with the ability to manage LRS notes through a graphical feature by user... System Behavior: Users with the access to FMT can enter LRS notes through a graphical feature, Kite);

recording the assignment (Page 41, [0549], lines 9 – 12, Kite);

receiving a request from a user to mark the fiber splice record as closed (Page 55, [0743], lines 5 – 9, Kite); and

assigning credit for the fiber splice job based upon input from a fiber splice manager (Page 14, [0557], line 1, VanDusen), the credit being assigned to the draftsman that performed the fiber splice job (Page 7 and 14, [0337] and [0557], lines 4 – 11 and 1; respectively, VanDusen).

Regarding Claims 10 and 18, Kite/VanDusen discloses a program, further comprising assigning a job number to the fiber splice record responsive to input from the fiber splice manager (Page 28, [0452], lines 41 – 43, Kite<sup>2</sup>).

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<sup>1</sup> Wherein examiner interprets the step of viewing assignments according to user's favorite category as the step of viewing records assigned to a particular user as claimed.

<sup>2</sup> Wherein the step where the user enters the installation ID (Page 28, [0452], line 41, Kite) corresponds to the step where the manager inputs the job number claimed.

Regarding Claims 11 and 19, Kite/VanDusen discloses a program, further comprising creating a printable cover sheet for the fiber splice record (Page 39, [0528], lines 1 – 2, Kite; and Page 20, [0766], lines 1 – 5, VanDusen).

Regarding Claims 12 and 20, Kite/VanDusen discloses a program, wherein the fiber splice job comprises providing a logical connection across a network element (Page 20, [0401], lines 27 – 31, Kite) that previously resulted in a disconnect between a fiber input and output (Page 19, [0395], line 1, Kite).

Regarding Claims 13 and 21, Kite/VanDusen discloses a program, further comprising providing a plurality of users with the fiber splice record in a report format (Page 53, [0647], Kite; and Page 8, [0235], lines 1 – 8, VanDusen).

Regarding Claims 14 and 22, Kite/VanDusen discloses a program, further comprising providing a plurality of users with a report of any fiber splice records which have not been assigned to any of a plurality of draftsmen (Page 28, [0449], lines 1 – 3, Kite).

Regarding Claims 15 and 23, Kite/VanDusen discloses a program, further comprising providing the plurality of users with a report of any fiber splice records which

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have been assigned to a particular user (Page 28, [0449], lines 1 – 3, Kite; and Page 8, [0257], lines 4 – 7, VanDusen<sup>3</sup>).

Regarding Claims 16 and 24, Kite/VanDusen discloses a program, further comprising providing a plurality of users with a report of any fiber splice records which have been marked as completed in the database (Page 30, [0479], lines 56 – 62, Kite; and Page 31, [1162], lines 1 – 6, VanDusen).

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<sup>3</sup> Wherein examiner interprets the step of viewing assignments according to user's favorite category as the step of viewing records assigned to a particular user as claimed.

***Response to Arguments***

1. Applicant argues that the prior art fails to disclose: "a database operable to store a fiber splice record associated with a wirecenter, the fiber splice records identifying a fiber splice job to be performed at the wirecenter, the fiber splice management and assignment system tracking workflow fiber splice jobs identified by a plurality of fiber splice records, the fiber splice jobs corresponding to generated engineering work-orders;

assignment logic coupled to the database, operable to assign a fiber splice record associated with a fiber splice job for the wirecenter to a draftsman to record the assignment, wherein in the fiber splice management and assignment system is configured to identify each fiber splice record assigned to the draftsman, the draftsman being assigned to make changes shown in a generated engineering work-order to the fiber splice record; and

completion logic coupled to the database, operable to receive a request to close the fiber splice record from a draftsman, and receive a credit amount associated with the fiber splice job from a fiber splice manager, the credit amount being assigned to the draftsman that performed the fiber splice job."

Examiner respectfully disagrees. The combination of Kite in view of VanDusen does disclose the limitations included in the arguments above (See rejections of Claims 1, 9, and 17 discussed in this Office Action above).

2. Applicant argues that the office action fails to disclose *prima facie* case of obviousness.

Examiner respectfully disagrees. According to MPEP § 2142, to establish *prima facie* case of obviousness three basic criteria must be met. **First**, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. The prior art discloses a suggestion for combining the references (Page 1 and 8, [0021] and [0237], lines 1 – 6 and 1 – 10; respectively, VanDusen).

As suggested by VanDusen, skilled artisan would have been motivated to make such combination, to allow diversely skilled and distributed teams to control, coordinate and collaborate within creation process; and to allow, for example, pre qualified IT and Electronic Graphic Design professionals to bid on task assignments, complete project management updates, and receive compensation while working in their own environment. **Second**, there must be a reasonable expectation of success. The prior art suggests a successful outcome of this combination, such as, complete project management updates. **Third**, both of the references (Kite and VanDusen) teach features that are directed to the same industry field of database management systems, such as, record assignments, and reporting. This close relation between both of the references highly suggests an expectation of success. Therefore, the combination of

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Kite in view of VanDusen discloses all the claim limitations disclosed in the claimed invention (see- citations of claims 1 – 24 above).

***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

***Prior Art Made Of Record***

1. Kite et al. (US Patent App. Pub. No. 2005/0149372 A1, filed: November 7, 2003) discloses methods, systems and computer program products for planning resources based on primary and alternate location relief strategies.
2. VanDusen (US Patent App. Pub. No. 2003/0208397 A1, filed: April 30, 2001) discloses a method of doing business and security instrument.
3. Carlson et al. (US Patent App. Pub. No. 2003/0007000 A1) discloses a method, system and program product for viewing and manipulating graphical objects representing hierarchically arranged elements of a modeled environment.
4. Eslambolchi et al. (US Patent No. 6,976,192 B1) discloses a data marker having record keeping ability.
5. Clark (US Patent App. Pub. No. 2004/0218891 A1) discloses a data collection system.
6. Barnett Jordan et al. (US Patent No. 6,954,788 B2) discloses a communication resource system.




***Points Of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Giovanna Colan whose telephone number is (571) 272-2752. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Giovanna Colan  
Examiner  
Art Unit 2162  
October 18, 2006

  
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